

STATE OF INDIANA)

IN THE MARION CIRCUIT COURT

) SS:

COUNTY OF MARION)

AVC NO. 06-031

IN RE: PERMANENT ACCESS, INC.,)

doing business as)

EMPLOYMENT 1,)

Respondent.)

426010609M10040186

FILED

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SEP 29 2006

Dana C. Holler
CLERK OF THE
MARION CIRCUIT COURT

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney

General Terry Tolliver, and the Respondent, Permanent Access, Inc., doing business as Employment 1, enter into an Assurance of Voluntary Compliance ("Assurance"), pursuant to Indiana Code § 24-5-0.5-7.

Any violation of the terms of this Assurance constitutes *prima facie* evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties.

The parties agree:

1. The Respondent is a for-profit foreign corporation providing employment services from its principal place of business in Marion County, located at 7213 West 10th Street, Indianapolis, Indiana, 46214, with additional business locations in Allen County at 1010 Coliseum Blvd., Suite 8, Fort Wayne, Indiana, 46808, and St. Joseph County at 4609 Grape Road, Suite A-2, Mishawaka, Indiana, 46545.

2. The terms of this Assurance apply to and are binding upon the Respondent, its employees, agents, representatives, successors, and assigns.

3. The Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Ind. Code § 4-6-9-4 and Ind. Code § 24-5-0.5-1, *et seq.*

4. The Respondent acknowledges it has been advised the Attorney General's role in this matter is to serve as counsel for the State of Indiana and the Office of the Attorney General has not given the Respondent any legal advice regarding this matter. The Respondent expressly acknowledges the Office of the Attorney General has previously advised the Respondent to secure legal counsel prior to entering into this Assurance for any legal advice the Respondent requires.

5. The Respondent, in soliciting and/or contracting with consumers, agrees to refrain from representing, either orally or in writing, the subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the Respondent knows or should reasonably know it does not have.

6. The Respondent, in soliciting and/or contracting with consumers, agrees to refrain from representing, either orally or in writing, the Respondent has a sponsorship, approval, or affiliation in such consumer transaction it does not have, and which the Respondent knows or should reasonably know that it does not have.

7. The Respondent, in soliciting and/or contracting with consumers, agrees to fully comply with the Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-1, *et seq.*

8. Upon execution of this Assurance, the Respondent shall pay consumer restitution in the amount of One Hundred and Seventy-Five Dollars (\$175.00) to the Office of the Attorney General on behalf of Ryan Couchman of Brownsburg, Indiana.

9. Upon execution of this Assurance, the Respondent shall pay costs in the amount of Five Hundred Dollars (\$500.00) to the Office of the Attorney General.

10. The Respondent shall not represent the Office of the Attorney General approves or endorses the Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

11. The Respondent shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives. This shall include, but is not limited to, the Respondent promptly resolving any additional valid consumer complaints brought to the Respondent's attention by the Office of the Attorney General either prior to, or after the filing of, this Assurance with the Court.

12. The Office of the Attorney General shall file this Assurance with the Circuit Court of Marion County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

DATED this 26 day of September, 2006.

STATE OF INDIANA

RESPONDENT

STEVE CARTER
Indiana Attorney General

PERMANENT ACCESS, INC.,
doing business as
EMPLOYMENT 1

By:

Terry Tolliver
Terry Tolliver
Deputy Attorney General
Atty. No. 22556-49
Office of Attorney General
302 W. Washington, 5th Floor
Indianapolis, IN 46204
Telephone: (317) 233-3300

By:

Charles E. Wagner
Charles E. Wagner, President

OCT 10 2006

APPROVED this _____ day of _____, 2006.

Theodore M. Soine

Judge, Marion Circuit Court

Distribution:

Terry Tolliver
Office of Attorney General
Consumer Protection Division
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

Charles E. Wagner, President
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14635 Park Ave.
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